

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Case No. 2:18-cv-06825-SB-RAOx

SANTA CLARITA VALLEY WATER  
AGENCY,

Plaintiff,

v.

WHITTAKER CORPORATION and  
DOES 1-10, inclusive,

Defendants.

**AMENDED JUDGMENT**

Pursuant to the jury's verdict, Dkt. No. [475](#), the Court's ruling on the Motion for Judgment as a Matter of Law (JMOL), Dkt. No. [523](#), and the Court's rulings on the parties' post-trial motions, Dkt. Nos. [599](#), [600](#), [601](#), it is ORDERED AND ADJUDGED that:

1. Judgment is entered in favor of Plaintiff Santa Clarita Valley Water Agency and against Defendant Whittaker Corporation on Plaintiff's claims for negligence, private nuisance, and public nuisance in the amount of \$7 million in past damages and \$68.3 million in reasonable restoration or repair costs (subject to offset as stated below);

2. The judgment in favor of Plaintiff in the total amount of \$75.3 million is reduced by (a) \$2.9 million for the settlement payment Plaintiff received from Saugus Industrial Center, LLC (SIC) (as an offset), Dkt. No. 248, and (b) \$7.53 million for the

1 10% fault allocation made by the jury (as an offset);<sup>1</sup> and

2 3. Plaintiff is awarded prejudgment interest on its negligence, private  
3 nuisance, and public nuisance claims in the amount of \$363,318.09 and an additional  
4 amount of \$2,575,249.74 for the post-verdict period (December 3, 2021 to June 27,  
5 2022 at a rate of 7%).

6 4. Judgment is entered in favor of Defendant and against Plaintiff on  
7 Plaintiff's claim for trespass pursuant to the JMOL and the Court's ruling on  
8 Plaintiff's motion for a new trial, Dkt. No. [600](#).

9 For the reasons set forth in the Court's separate Findings of Fact and  
10 Conclusions of Law, Dkt. No. 524, the Court's ruling on Plaintiff's motion to amend  
11 those findings, Dkt. No. [599](#), and the parties' joint report regarding interest  
12 calculations, Dkt. No. [602](#), it is further ORDERED AND ADJUDGED that:

13 1. Plaintiff is entitled to judgment on its CERCLA cost recovery claim  
14 under 42 U.S.C. § 9607(a) and its HSAA claim under Cal. Health & Safety Code §  
15 25300 et seq. for its investigation, permitting, and design (IPD) costs only;

16 2. The judgment on Plaintiff's cost recovery claim for IPD costs is subject  
17 to equitable allocation on Defendant's counterclaims for contribution under CERCLA,  
18 42 U.S.C. § 9613(f)(1), HSAA, and Cal. Health & Safety Code § 25363 as follows:  
19 90% to Defendant and 10% to Plaintiff;

20 3. Judgment is entered in favor of Plaintiff and against Defendant for  
21 Plaintiff's IPD costs in the net amount of \$607,500, calculated as follows: \$675,000  
22 (total amount) minus \$67,500 (10% offset).

23 4. Plaintiff is to take nothing on its claims for declaratory relief under  
24 CERCLA, 42 U.S.C. § 9613(g) and 28 U.S.C. §§ 2201-2202 and for injunctive relief  
25 under the Resource, Conservation and Recovery Act, 42 U.S.C. § 6901 et seq.;

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27 <sup>1</sup> The jury assigned the following percentage of fault on Plaintiff's negligence claim:  
28 60% for Defendant; 30% for SIC; and 10% for Plaintiff. The offset for SIC, however,  
is not made on a pro rata basis in light of this Court's prior ruling. Dkt. No. 248.

The Court thus calculates the damages award against Defendant as follows:

\$75,300,000 (\$7,000,000 + \$68,300,000)

- \$2,900,000 (pro tanto offset for SIC settlement)

## Findings of Fact and Conclusions of Law

+ \$607,500

### Prejudgment Interest

+ \$363,318.09

$$= \$68,416,067.83$$

\$68,416,067.83

$$= \$68,535,443.48$$

Accordingly, Plaintiff shall recover from Defendant a judgment in the amount of \$68,535,443.48, plus post-judgment interest pursuant to 28 U.S.C. § 1961(a) at the

1 rate of 2.83% per annum running from the June 28, 2022 initial entry of judgment, at a  
2 daily rate of \$5,313.84.

3 This is a Final Judgment.

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5 Dated: January 11, 2023



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6 STANLEY BLUMENFELD, JR.  
7 UNITED STATES DISTRICT JUDGE  
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